

REMARKS

The Office Action mailed 12 January 2005, for the present application has been reviewed. The present amendment cancels claims 1-4; amends claim 5, 6, 8-10, 14, and 21 and adds new claim 23. Claim 16 was previously canceled. Considered together with the following remarks, an interview with the undersigned on 26 January 2005, and the attached Interview Summary, Applicant believes the application is currently in condition for allowance. No new matter has been added to the application. Applicants express appreciation for thoughtful examination by the Examiner.

The present invention is a ball return device configured for use on a game table having a net such as table tennis. The device is a ramp placed parallel and adjacent to the entire length of a net on the game table as is shown in the figures and described in the accompanying text. End caps/brackets are to be placed at the far edges of the net to further facilitate ball retrieval by deflecting the ball back towards the center of the table. Also, the ramp is configured not to exceed the height of the net.

Information Disclosure Statement

The present action claims the foreign references filed with the Information Disclosure Statement were not considered because they do not contain a concise explanation of the relevance of those patents not in the English language. The English-language abstracts of the foreign references have been presented for the review of the Examiner. Applicants therefore respectfully request consideration of the foreign patents or request a meeting with the Examiner to discuss which references may be problematic.

Claim Rejections Under 35 U.S.C. §103(a) are Overcome

The office action rejects original claims 1-4, 6-9, 13, 14 and 21 under 35 U.S.C. §103(a) as being obvious in light of US 4,971,319 (Catrone). Applicants respectfully traverse the rejection and request favorable reconsideration and withdrawal of this rejection. Claims 1-4 are canceled, thus the rejections as to those claims are moot. Further, Applicants submit the remaining claim rejections are also rendered moot by the foregoing amendments and the following comments.

As to the rejection of claims 6-9, 13, 14 and 21, Applicants submit that as currently amended, these claims are further limited by the additional element of deflecting end caps. As discussed in the Interview of 26 January 2005, this element is neither suggested nor motivated by Catrone.

A number of significant, material and functional differences exist between the present invention and the device shown by Catrone. Catrone describes a device for use on a net on a tennis court. The Catrone device is made of netting to only allow minimal return of the ball in play. Further, since Catrone is applied to a tennis court, it would actually teach away from the use of a deflecting end cap. A tennis court is not on a table, but rather is a playing surface having only boundary lines painted on the ground. There is no need to deflect the ball back onto the court. In fact, deflecting the ball back onto the tennis court actually increases the risk of injury to a player from a ball within the playing surface, or interference with the play by having the ball deflected onto the playing surface. In contrast, in the present invention, the ball is not only deflected back to a user, but also to prevent it from rolling off the table.

As to the specific rejections of claim 14, the Catrone support elements 110, 112 are internal to the device, not external as in the present invention. The Present Action also rejects claims 5, 15, 17-20 and under 35 U.S.C. §103(a) as being unpatentable under Catrone in view of US 5,460,365 to Payne. Applicants respectfully traverse the rejection and request favorable reconsideration and withdrawal of this rejection. As discussed above, in the interview of 26 January 2005, and in the attached Interview Summary, the addition of the deflecting panels in claims 5 and 17 are clearly novel, and not obvious. From both functional and practical considerations, the addition of these types of end caps would not only be deleterious, but would also be difficult to attach to the simple netting surface of the Catrone invention. As such, these claims as amended are believed to be in condition for allowance. Further, claims 15, 18-20 and 22 which depend from claims with these deflecting end caps are similarly believed to be allowable over the prior art.

Finally, the Present Action also rejects claims 10-12 under 35 U.S.C. §103(a) as being unpatentable under Catrone in view of US 4,919,421 to Vandeveld. Applicants respectfully traverse the rejection and request favorable reconsideration and withdrawal of this rejection. Claims 10-12 depend from amended claim 5 with the deflecting end caps and is believed to be allowable over the prior art.

The standard to be applied in a 35 U.S.C. §103(a) rejection is established in MPEP §2143.03. To establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious.

In light of the above, Applicants respectfully submit they have addressed the all aspects of the rejections under 103(a) and demonstrated that Applicants' invention, as claimed in amended claim 1, is not anticipated nor suggested by Bodford nor obvious.

CONCLUSION

Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and submit it does not adversely bear on the patentability of the pending claims.

In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims is earnestly solicited. Applicants submit the present application, with the foregoing new claim and accompanying remarks, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 04-1061.

Respectfully submitted,


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